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INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
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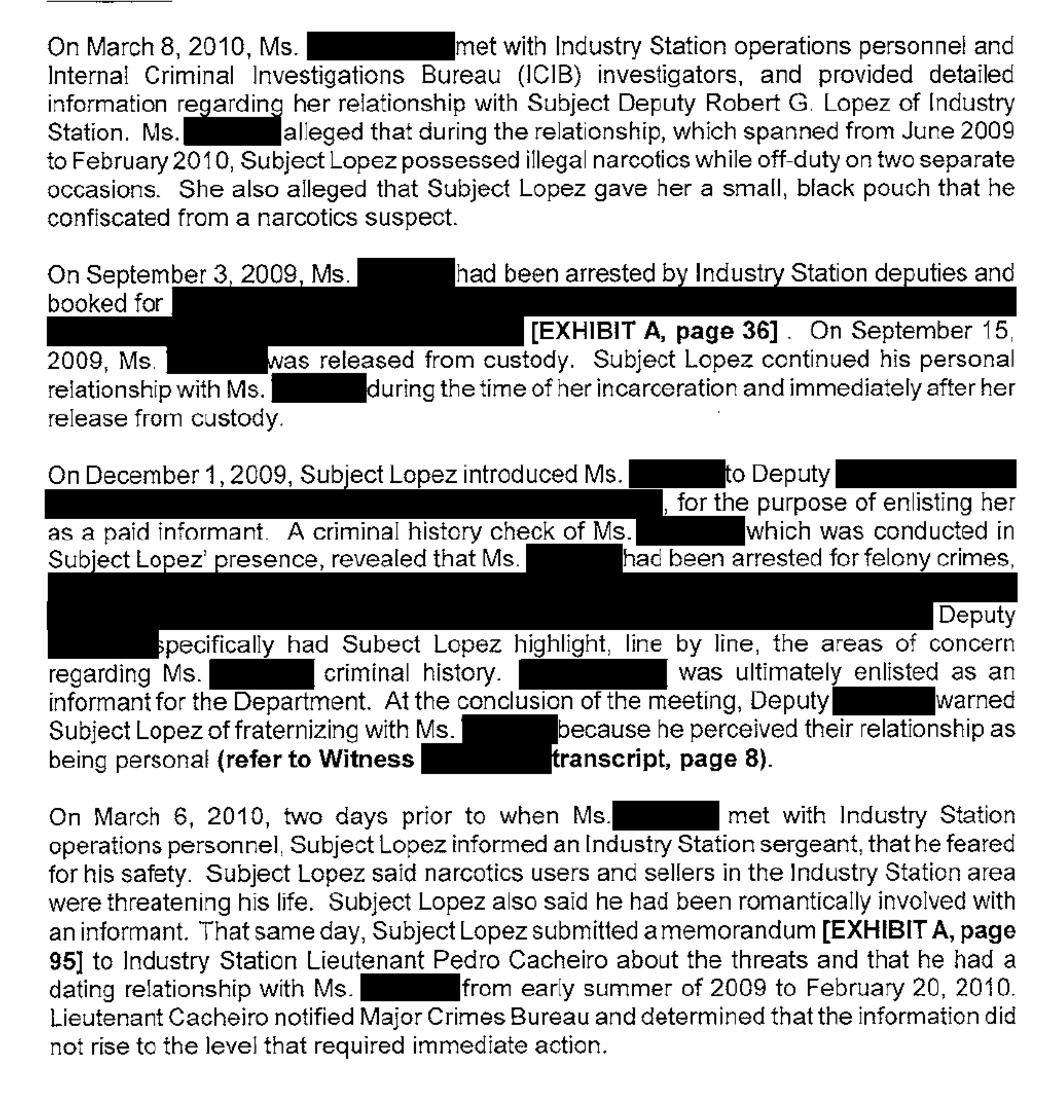
SUBJECT:	**Robert G. Lopez** **Deputy Sheriff Generalist** **Employee** [redacted]
DATE / TIME OF INCIDENT:	**February 23, 2010 (Sunday) / Unknown time**
LOCATION:	[redacted]
DATE OF DEPT. KNOWLEDGE:	**March 8, 2010**

ALLEGATIONS

The allegations are that Subject Lopez illegally possessed methamphetamine while off-duty; that Subject Lopez failed to book a pouch that contained illegal narcotics, as evidence after an arrest; that Subject Lopez then gave the pouch to a female with whom he was having a romantic relationship; that Subject Lopez provided false statements during his interview with IAB investigators. It is further alleged that the same female was under criminal investigation and had been incarcerated at the Century Regional Detention Facility, during the time of his personal involvement with her.

POLICY SECTIONS

1.	OBEDIENCE TO LAWS, REGULATIONS, AND ORDERS	MPP 3-01/030.10
2.	TAMPERING WITH EVIDENCE	MPP 3-01/040.65
3.	FALSE STATEMENTS	MPP 3-01/040.70
4.	PERFORMANCE TO STANDARDS	MPP 3-01/050.10
5.	FRATERNIZATION AND PROHIBITIVE ASSOCIATIONS	MPP 3-01/050.85



SYNOPSIS

On March 8, 2010, Ms. [redacted] met with Industry Station operations personnel and Internal Criminal Investigations Bureau (ICIB) investigators, and provided detailed information regarding her relationship with Subject Deputy Robert G. Lopez of Industry Station. Ms. [redacted] alleged that during the relationship, which spanned from June 2009 to February 2010, Subject Lopez possessed illegal narcotics while off-duty on two separate occasions. She also alleged that Subject Lopez gave her a small, black pouch that he confiscated from a narcotics suspect.

On September 3, 2009, Ms. [redacted] had been arrested by Industry Station deputies and booked for [redacted] **[EXHIBIT A, page 36]** . On September 15, 2009, Ms. [redacted] was released from custody. Subject Lopez continued his personal relationship with Ms. [redacted] during the time of her incarceration and immediately after her release from custody.

On December 1, 2009, Subject Lopez introduced Ms. [redacted] to Deputy [redacted], for the purpose of enlisting her as a paid informant. A criminal history check of Ms. [redacted] which was conducted in Subject Lopez' presence, revealed that Ms. [redacted] had been arrested for felony crimes, [redacted] Deputy [redacted] specifically had Subect Lopez highlight, line by line, the areas of concern regarding Ms. [redacted] criminal history. [redacted] was ultimately enlisted as an informant for the Department. At the conclusion of the meeting, Deputy [redacted] warned Subject Lopez of fraternizing with Ms. [redacted] because he perceived their relationship as being personal **(refer to Witness [redacted] transcript, page 8)**.

On March 6, 2010, two days prior to when Ms. [redacted] met with Industry Station operations personnel, Subject Lopez informed an Industry Station sergeant, that he feared for his safety. Subject Lopez said narcotics users and sellers in the Industry Station area were threatening his life. Subject Lopez also said he had been romantically involved with an informant. That same day, Subject Lopez submitted a memorandum **[EXHIBIT A, page 95]** to Industry Station Lieutenant Pedro Cacheiro about the threats and that he had a dating relationship with Ms. [redacted] from early summer of 2009 to February 20, 2010. Lieutenant Cacheiro notified Major Crimes Bureau and determined that the information did not rise to the level that required immediate action.

On March 8, 2010, a criminal investigation regarding Subject Lopez' alleged violations was requested by Captain Michael Claus. ICIB investigators met with Subject Lopez on July 20, 2010, at which time he declined the opportunity to interviewed.

On July 30, 2010 one count of possession of a controlled substance (11377(a) H&S), one count of concealing evidence (135 PC) and one count of petty theft (484(a) PC) were submitted to the Justice System Integrity Division of the Los Angeles County District Attorney's Office under DA Case No. 30453564. On October 26, 2010, ICIB received a Charge Evaluation Worksheet from the Justice System Integrity Division (JSID) **[EXHIBIT A, page 24E]** stating the Office declined to file criminal charges due to lack of sufficient evidence.

INVESTIGATION

Subject Robert G. Lopez [redacted]

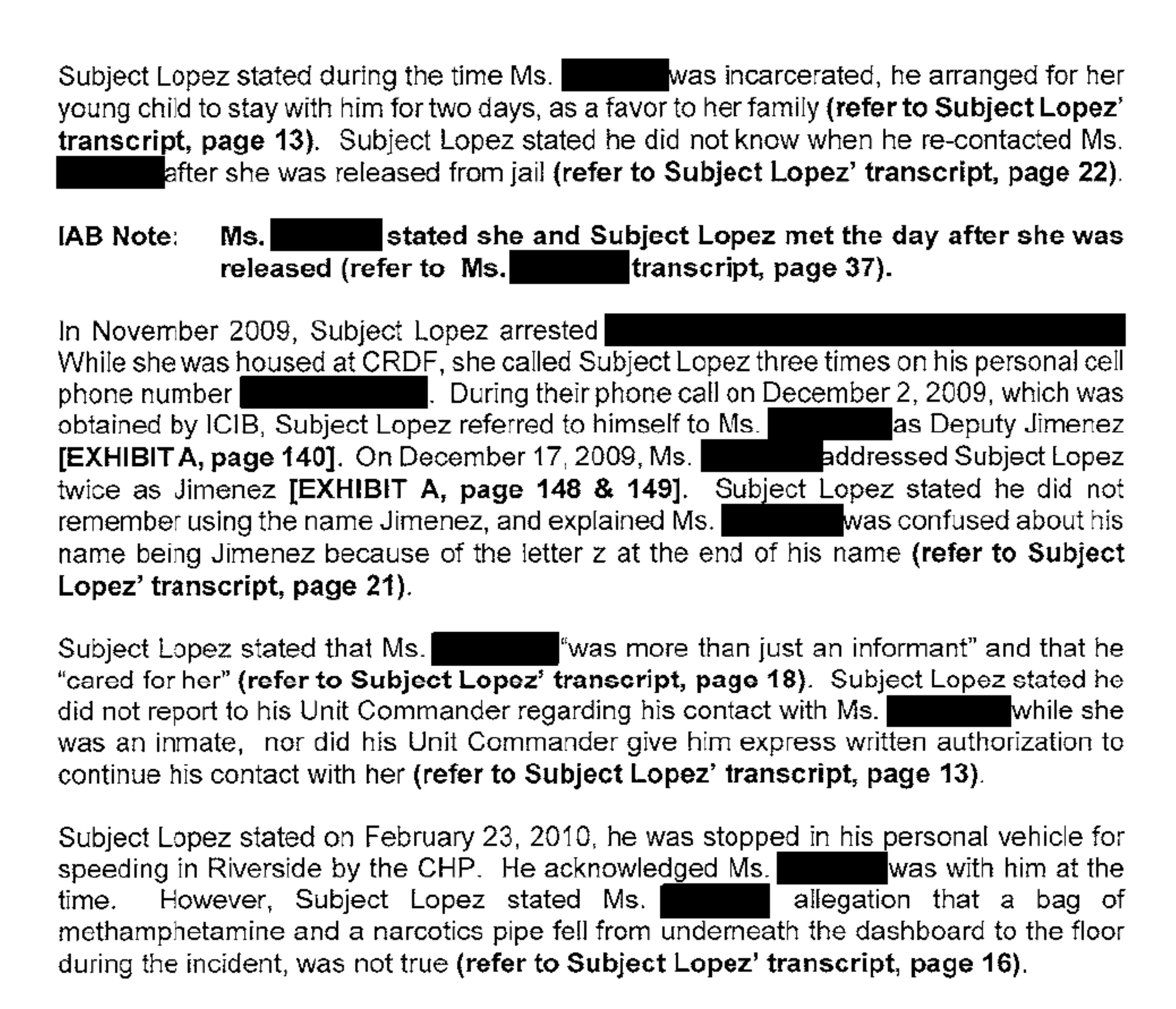
On November 29, 2010, Subject Lopez told IAB investigators he first met Ms. [redacted] while he was on-duty during a consensual encounter, in April or May 2009. He gave her his personal cell phone number [redacted] written on a piece of paper with the words "Papa Bear" on it, with the intention of developing her as an informant for illegal narcotics activity. Subject Lopez stated his personal relationship with Ms. [redacted] began in June or July 2009, and continued into early 2010 **(refer to Subject Lopez' transcript, pages 6 & 10)**.

Subject Lopez stated Ms. [redacted] told him she had been arrested in September 2009 by Industry Station personnel **(refer to Subject Lopez' transcript, page 12)**. He further stated Ms. [redacted] contacted him at least twice when she was an inmate at the Century Regional Detention Facility (CRDF).

IAB Note: **Five recorded phone conversations [EXHIBIT B] between Ms. [redacted] and Subject Lopez, were obtained by ICIB.**

- **09/08/09 - one call from El Monte Court lock up to [redacted]**
- **09/10/09 - one call from CRDF to [redacted]**
- **09/11/09 - three calls from El Monte Court lock up to [redacted]**

The LASD Secured Inmate Information Center housing/movement record for Ms. [redacted] [EXHIBIT C] reflects she was housed at CRDF between September 3-15, 2010, and went to Rio Hondo Court in El Monte on September 8 and 11, 2009.



Subject Lopez stated during the time Ms. [redacted] was incarcerated, he arranged for her young child to stay with him for two days, as a favor to her family **(refer to Subject Lopez' transcript, page 13)**. Subject Lopez stated he did not know when he re-contacted Ms. [redacted] after she was released from jail **(refer to Subject Lopez' transcript, page 22)**.

IAB Note: Ms. [redacted] stated she and Subject Lopez met the day after she was released (refer to Ms. [redacted] transcript, page 37).

In November 2009, Subject Lopez arrested [redacted] While she was housed at CRDF, she called Subject Lopez three times on his personal cell phone number [redacted]. During their phone call on December 2, 2009, which was obtained by ICIB, Subject Lopez referred to himself to Ms. [redacted] as Deputy Jimenez **[EXHIBIT A, page 140]**. On December 17, 2009, Ms. [redacted] addressed Subject Lopez twice as Jimenez **[EXHIBIT A, page 148 & 149]**. Subject Lopez stated he did not remember using the name Jimenez, and explained Ms. [redacted] was confused about his name being Jimenez because of the letter z at the end of his name **(refer to Subject Lopez' transcript, page 21)**.

Subject Lopez stated that Ms. [redacted] "was more than just an informant" and that he "cared for her" **(refer to Subject Lopez' transcript, page 18)**. Subject Lopez stated he did not report to his Unit Commander regarding his contact with Ms. [redacted] while she was an inmate, nor did his Unit Commander give him express written authorization to continue his contact with her **(refer to Subject Lopez' transcript, page 13)**.

Subject Lopez stated on February 23, 2010, he was stopped in his personal vehicle for speeding in Riverside by the CHP. He acknowledged Ms. [redacted] was with him at the time. However, Subject Lopez stated Ms. [redacted] allegation that a bag of methamphetamine and a narcotics pipe fell from underneath the dashboard to the floor during the incident, was not true **(refer to Subject Lopez' transcript, page 16)**.

Subject Lopez stated on February 24, 2010, he arrested a suspect for a narcotics violation where he recovered a small black pouch that contained methamphetamine. He mentioned the pouch in the arrest report **[EXHIBIT A, pages 112, 119 & 120]**, but did not enter it as evidence, nor did he book it into the suspect's personal property. Subject Lopez stated he intended on showing the pouch to Industry Station Narcotics deputies for training purposes **(refer to Subject Lopez' transcript, page 28)**. Subject Lopez stated on the day of the arrest, he showed Sergeant Sonja Bracken the pouch and told her of his intention of showing it to Narcotics instead of entering it as evidence or booking it into the suspect's property **(refer to Subject Lopez' transcript, page 32)**. Subject Lopez stated the pouch "ended up disappearing" **(refer to Subject Lopez' transcript, page 16)**.

IAB Note: **Ms [redacted] stated Subject Lopez gave her the pouch on the 1st (of March) (refer to Ms. [redacted] transcript pages 95 & 97).**

Subject Lopez stated in November 2009, he introduced Ms. [redacted] to Industry Station [redacted] He denied that Deputy [redacted] discussed having personal relationships with informants is prohibited by Department policy **(refer to Subject Lopez' transcript, page 14)**.

IAB note: **Deputy [redacted] stated he told Subject Lopez not to mess around with informants or be their friend. He also specifically warned Subject Lopez not to become personally involved with Ms. [redacted] (refer to EXHIBIT A, page 24C).**

Subject Lopez stated at no time during his relationship with Ms. [redacted] did he report the relationship to his Unit Commander, nor did he obtain express written authorization from his Unit Commander to maintain his personal relationship with Ms. [redacted] **(refer to Subject Lopez' transcript, page 13)**. Subject Lopez stated his understanding of the Department's fraternization policy was that it only applied to people that deputies arrested themselves, or regarding associates of inmates. He stated it was his belief that this policy did not apply to his personal relationship with Ms. [redacted] since he did not meet her while she was in jail **(refer to Subject Lopez' transcript, page 22)**.

Refer to **EXHIBIT D** for the audio recording of Subject Lopez' interview, and his IAB Subject interview transcripts for more detailed information.

Witness [redacted]

On March 8, 2010, Ms. [redacted] met with Captain Michael Claus and Lieutenant James Wolak of Industry Station and investigators from ICIB. She told them she was involved in a romantic relationship with Subject Deputy Robert G. Lopez which spanned from June 2009 to February 2010, during which time he was assigned to Industry Station.

Ms. [redacted] alleged during the nine-month span of time, Subject Lopez possessed methamphetamine on two separate occasions. On one occasion in December 2009, after his shift was over, Subject Lopez showed her small quantities of methamphetamine and various narcotics paraphernalia that he had seized during his shift **(refer to Ms. [redacted] transcript pages 47 & 48)**.

Ms. [redacted] provided a detailed account of an incident in February 2010 when they were stopped in his truck by a California Highway Patrol officer for speeding. She alleged at the conclusion of the traffic stop, a bag of methamphetamine and a narcotics pipe fell from underneath the steering wheel and onto the floorboard. Ms. [redacted] alleged Subject Lopez gave her the bag of methamphetamine, which he told her he had seized from a narcotics suspect when he was on duty **(refer to Ms. [redacted] transcript, page 62)**.

Ms. [redacted] alleged that on the March 1, 2010, Subject Lopez gave her a small, black pouch that he confiscated from a narcotics suspect **(refer to Ms. [redacted] transcript, pages 95 & 97)**.

Refer to **EXHIBIT D** for the audio recording of Ms. [redacted] IAB Witness interview, and also her transcripts for more detailed information.

Witness Sergeant Sonja Bracken

On December 28, 2010, Sergeant Bracken told IAB investigators Subject Lopez showed her a small, black pouch that contained methamphetamine which resulted in an arrest of a suspect. Subject Lopez pointed out to her that the pouch had a magnet. She stated she did not give Subject Lopez permission to not enter the pouch into evidence. Subject Lopez did not tell her that he was not going to enter the pouch into evidence or book it into the suspect's personal property, and that he was going show it to Narcotics for training purposes instead.



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



July 19, 2011

Deputy Robert Lopez, #[redacted]

Deputy Lopez:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Generalist, Item No. 2708A, with this Department, effective the close of business August 9, 2011.

An investigation under File Number IAB File Number 2263316, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.85, Fraternization; and/or 3-01/050.90, Prohibited Association; and/or 3-01/030.05, General Behavior; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders, on or about February 2009 to March of 2010, while assigned to Industry Station you were involved in a relationship and/or sexual relationship with Ms. [redacted] while Ms. [redacted] was incarcerated at Century Regional Custody facility (CRDF), evidenced by but not limited to:

    a) using your personal credit card to charge $25.00 in phone credits for Ms. [redacted] to contact you while she was incarcerated, and/or;

    b) providing [redacted] for Ms. [redacted] per her request while she was incarcerated, and/or;

    c) continuing your relationship with Ms. [redacted] after she was released from CRDF, and/or;

d) failing to notify your unit Commander of the relationship, and/or;

e) failing to obtain written authorization from your unit commander.

2. That in violation of Manual of Policy and Procedures Sections 3-01/050.85, Fraternization; and/or 3-01/050.90, Prohibited Association; and/or 3-01/030.05, General Behavior; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders, on or about February 2009 to March of 2010, while assigned to Industry Station, you were involved in a relationship and/or prohibited relationship with Ms. [redacted] while she was incarcerated at CRDF, evidenced by but not limited to:

a) using your personal credit card to charge $25.00 in phone credits for Ms. [redacted] to contact you while she was incarcerated, and/or;

b) doing favors for Ms. [redacted] while she was incarcerated by arresting her ex-lover, and/or;

c) continuing your relationship with Ms. [redacted] after she was released from CRDF, and/or;

d) failing to notify your unit Commander of the relationship, and/or;

e) failing to obtain written authorization from your unit commander.

3. That in violation of Manual of Policy and Procedure Section 3-01/040.65, Tampering with Evidence; and/or 3-01/040.45, Safeguarding Money, Property, and Evidence; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders, on or about February 2009 to March of 2010, when you lost, and/or gave to another person a black pouch which you recovered as evidence from a crime scene resulting in the arrest of a suspect, evidenced by but not limited to:

a) failing to book the pouch as evidence when said pouch was referred to in your crime report, and/or;

b) failing to book the pouch into suspects property.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Thomas Laing on August 8, 2011, at 10:00 hours, in his office, which is located at 4700 Ramona Blvd, Room 423, Monterey Park, California 91754. If you are unable to appear at the scheduled time and wish to schedule some other time prior to August 8, 2011, for your oral response, please call Chief Laing's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Laing's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Laing's office by no later than August 8, 2011.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Joseph M. Gooden, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

JMG:ah

c: Advocacy Unit
Employee Relations Unit
Chief Thomas Laing, Field Operations Region III
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2263316)

LOS ANGELES COUNTY DISTRICT ATTORNEY
CHARGE EVALUATION WORKSHEET

X FELONY MISDEMEANOR	AGENCY NAME LASD - INTERNAL AFFAIRS AGENCY FILE NO. (DR OR URN) 910-00011-2003-441	DA CASE NO. 30453564 DA OFFICE CODE J.S.I.D. #10-0580R	DATE 10/15/2010 VICTIM ASSISTANCE REFERRAL ☐ YES – NOTIFY VWAP ☐ NO

SUSP NO.	SUSPECT	CHARGES CODE	SECTION	OFFENSE DATE	REASON CODE
1	NAME (LAST, FIRST MIDDLE)) LOPEZ, ROBERT GEORGE	HS	11377(A)	02/23/2010	B
		PC	135	02/24/2010	B
		PC	484(A)	02/24/2010	B
	DOB [redacted] SEX (M/F) M BOOKING NO.	VIP -- Yes X No			
	___ Gang Member Name of Gang	___ Victim Gang Member Name of Gang:			
	Victim Name:	Victim DOB:			
2	NAME (LAST, FIRST MIDDLE))				
	DOB SEX (M/F) BOOKING NO.	VIP -- Yes -- No			
	Gang Member Name of Gang				
3	NAME (LAST, FIRST MIDDLE))				
	DOB SEX (M/F) BOOKING NO.	VIP -- Yes -- No			
	Gang Member Name of Gang				

Comments

SEE ATTACHED.

COMPLAINT DEPUTY (print)	COMPLAINT DEPUTY (SIGNATURE)	STATE BAR NO.	REVIEWING DEPUTY (SIGNATURE)
JASON P. LUSTIG/ap	[signature]	132482	[signature]

I have conveyed all relevant information to the above-named Deputy District Attorney to be used in consideration of a filing decision.

FILING OFFICER (PRINT): SGT. KELLY MATTHEWS FILING OFFICER (SIGNATURE): Mailed 10/22/10 SERIAL #:

DEPARTMENT OF JUSTICE REASON CODES (FORM 8715) A. Lack of Corpus B. Lack of Sufficient Evidence C. Inadmissible Search/Seizure	D. Victim Unavailable/Declines To Testify E. Witness Unavailable/Declines to Testify F. Combined with Other Counts/Cases G. Interest of Justice	H. Other (indicate the reason in Comments section) I. Referred to Non-California Jurisdiction J. Deferred for Revocation of Parole K. Further Investigation	L. Prosecutor Prefiling Deferral DISTRICT ATTORNEY'S REASON CODES M. Probation Violation filed in lieu of N. Referred to City Attorney for Misdemeanor Consideration

LAST NAME: LOPEZ FIRST NAME: ROBERT DA CASE NUMBER: 30453564

2uc

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its examination of the allegations that Los Angeles County Sheriff's Department (LASD) Deputy Robert George Lopez, Serial [redacted] committed the crimes of possession of a controlled substance in violation of Health and Safety Code section 11377(a), and concealing evidence and petty theft in violation of Penal Code sections 135 and 484(a). For the reasons set forth below, this office declines to initiate criminal proceedings against Robert Lopez.

The following analysis is based upon investigative reports, with attachments, which were prepared and submitted to this office by LASD Internal Criminal Investigations Bureau (ICIB) Sergeant Kelly Matthews on July 30, 2010. Compelled statements, if any exist, were not considered as part of this analysis.

FACTUAL ANALYSIS

On March 5, 2010, [redacted] called Industry Sheriff's Station and spoke with Sergeant James Beamon. [redacted] told Beamon that she wanted to obtain a restraining order against Deputy Lopez. [redacted] claimed to be an informant for Lopez with whom she was involved in a dating relationship. [redacted] alleged that Lopez was a "dirty cop" and that he takes illegal drugs from suspects and gives them to his informants.

On March 6, 2010, Lopez informed Industry Station Sergeant Edwin Alvarez that his life was being threatened by narcotics users and sellers in the Industry Station area. Lopez added that an informant with whom he was romantically involved [redacted] was alleging improprieties on his part. Several weeks earlier, Lopez ended his relationship with [redacted] because she began to act strangely. [redacted] told Lopez that she told "law enforcement" that he had previously given her narcotics. Lopez believed that [redacted] made this allegation in retaliation for ending the relationship.

<u>Statement of</u> [redacted]

On March 8, 2010, ICIB investigators interviewed [redacted]

On June 25, 2009, Lopez detained [redacted] who was walking on a street in the City of La Puente looking to buy methamphetamine. Lopez asked her what a pretty girl was doing walking the streets. [redacted] responded that she was visiting a friend. Lopez told her that the area was known for illegal drug sales, ran her for warrants and searched her purse.

Lopez gave her his telephone number and told her she could get paid for providing information to him. [redacted] called Lopez sometime before July 4, 2009 and they met on a street. [redacted] told Lopez that she was not interested in being an informant, but wanted to go on a date with him. On July 4, 2009, Lopez picked her up at her residence in Bassett, an unincorporated area near the City of Industry. They drove to a mall parking lot where they sat in his car and talked. During the conversation, Lopez asked her if she was under the influence of a drug. Lopez checked her pulse and shined a

flashlight into her eyes. [redacted] told Lopez she had not used drugs despite the fact that she used methamphetamine before he picked her up.[1] They did not use drugs or alcohol in each other's presence.

A few days later, they went on second date on which they began a romantic relationship that lasted throughout the summer of 2009. They saw each other more than twenty times and Lopez met her family. Sometime in August or September 2009, Lopez told her that he had seen her go into a house known for illegal drug sales. [redacted] told Lopez that she was there to obtain drugs and was a drug user. Lopez told her he was already aware of her drug use. Nevertheless, Lopez continued seeing her.

[redacted] wanted to secure her relationship with Lopez, so she decided to become an informant. [redacted] gave Lopez information on 10 to 15 locations that she knew were involved in selling illegal drugs. Lopez introduced her to a narcotics deputy at Industry Station.

After her arrest in September 2009, [redacted] called Lopez from jail. Lopez helped care for her child while she was in custody. Lopez did not assist her with her situation, telling her, "You deserve it." [redacted] spent 13 days in custody. Lopez came to her house the day after she was released and their romantic relationship continued. [redacted] continued showing Lopez narcotics locations. Lopez made arrests based on the information she provided him.

On February 23, 2010, Lopez was driving with [redacted] in his personal car when they were stopped for speeding. After the officer walked away from Lopez's car, a bag of methamphetamine and a pipe fell from underneath the dashboard to the floor. Lopez told her, "Damn, imagine if the cop would have seen it!" Lopez drove her to her house, gave her the drugs and threw away the narcotics pipe. [redacted] asked Lopez where the drugs came from and he told her he seized the narcotics from her friend, the tow-truck driver.[2] [redacted] gave the drugs to a male neighbor who also uses drugs. The neighbor told [redacted] that the drugs were genuine.

In December 2009, a friend gave [redacted] some methamphetamine and asked her if she wanted to meet his supplier. Lopez encouraged her to go so she could provide him with the information, which she did. [redacted] showed Lopez the methamphetamine she received from her friend. Lopez became angry, telling her to dispose of the narcotics. [redacted] gave the drugs to two of her friends.

[redacted]

[2] Investigators interviewed the tow truck driver, [redacted] ([redacted]), who said he had been issued citations for warrants by Lopez, but denied being in possession of any illegal drugs at the time.

Sometime between December 2009 and January 2010, Lopez showed her narcotics and paraphernalia which he said he had taken from detained suspects. On one occasion, Lopez showed [redacted] a clear sandwich bag containing twenty-dollar pieces of methamphetamine. On another occasion, Lopez showed her a large, clear plastic zip-lock bag containing two or three pipes containing narcotics residue. On yet another occasion, Lopez gave her a zippered pouch which he claimed to have taken from a methamphetamine user. [redacted] said that no one else was present on these occasions. She never saw Lopez use drugs.

[redacted] came to the Sheriff's Department to report these events because Lopez started associating with known prostitutes which he claimed were informants. [redacted] one of the prostitutes, told her that Lopez paid her $500 for sex. [redacted] believed that Lopez met [redacted] when he detained her on duty.[3] [redacted], another prostitute previously arrested by Lopez, accused [redacted] of being an informant. [redacted] told Lopez she did not like him associating with the other women. [redacted] cared for Lopez, but also feared retaliation if he revealed her informant status. Despite [redacted] request that Lopez stay away from the prostitutes [redacted] saw [redacted] sitting in his truck.

On March 4, 2010, Lopez called [redacted] who told him that she did not trust him and was afraid he might falsely accuse her of a crime or tell other criminals she was an informant. Lopez asked her if she told anyone about her being an informant. [redacted] believed he was trying to determine if she had notified the Sheriff's Department about their relationship. Lopez appeared concerned about getting his property back from her, including some undergarments, shoes and the pouch he had given her. [redacted] asked Lopez why he gave her drugs if he really cared about her. Lopez became angry, responding, "What the fuck are you talking about?" Lopez told her he was never going to call her again and hung up.

The next day [redacted] called Industry Station and reported Lopez to a supervisor. She told the sergeant that Lopez was corrupt, she was afraid of him, and that she wanted a restraining order. Later the same day, while driving on Valley Boulevard in Bassett, Lopez drove next to her in a patrol car and told her to stop so they could talk. [redacted] parked and they exited their cars. Lopez searched her as if he was checking to see if she was wearing a recording device. [redacted] told Lopez that she cared for him, but she could not trust him. She told him she had already reported him and told the truth. Lopez asked what she meant by the truth. Valadez told him that he already knew what the truth was, but added that she told a sergeant that he had given her illegal drugs. They have not communicated since.

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[3] Investigators unsuccessfully tried to locate [redacted] for an interview.

[redacted] did not know of anyone who could corroborate her allegations. However, she had saved text messages and voice mails from Lopez on her old cell phone.[4] She also had the pouch Lopez gave her. Investigators obtained both items from her.

The Pouch

On February 24, 2010, Lopez arrested a male for possession of methamphetamine, which was contained in a small, black digital camera pouch. Lopez referred to the pouch throughout his arrest report and booked the drugs into evidence. Lopez attached photographs of the pouch to the report, but for some unknown reason did not book the pouch into evidence.

Investigators compared the pouch obtained from [redacted] with the photographs of the pouch from the arrest. Generically, the two pouches appeared identical. In addition, the pouches shared unique characteristics. Both had white hand sewn thread next to the zippered interior pocket with a ring lanyard and a particular wear pattern on the zipper. The sewing was done to secure a magnet between two layers of fabric in the pouch. In sum, the pouch obtained from [redacted] appears to be the same pouch from Lopez's arrest of the drug suspect.

Phone Calls from Custody Facilities

Investigators obtained recordings of eight phone calls from Sheriff's custody facilities to Lopez's cell phone between June 1, 2009 and April 13, 2010. Five of the calls made between September 8, 2009 and September 11, 2009 were apparently from [redacted] The calls corroborate the intimate relationship between [redacted] and Lopez, but contain no evidence of criminal activity.

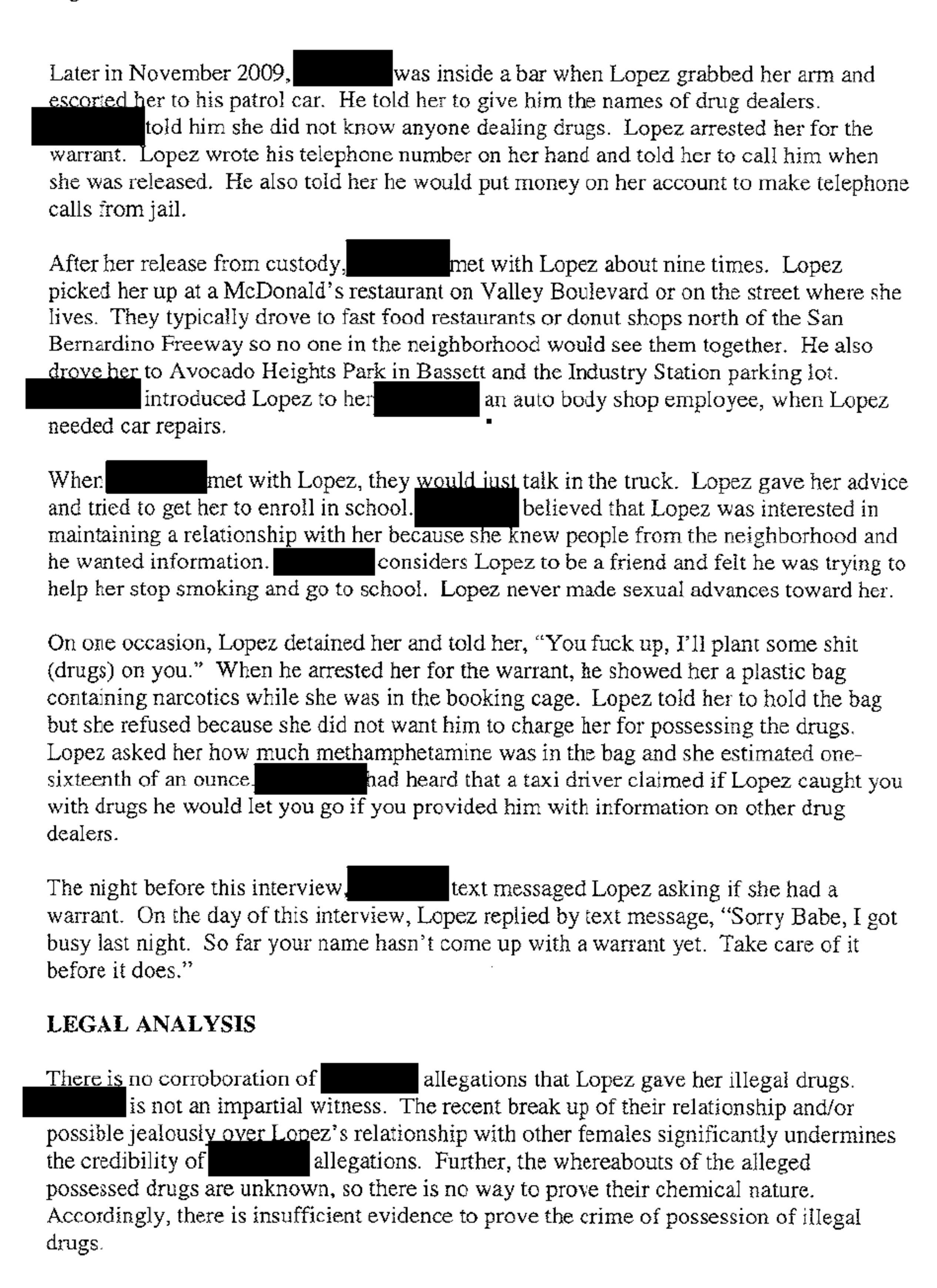
Three of the calls were made by [redacted] between December 2 and 17, 2009. The conversations reflect that [redacted] was an informant for Lopez. They contain no corroboration of [redacted] allegations.

Statement of [redacted]

On June 17, 2010, investigators interviewed [redacted] In early November 2009, Lopez detained a taxi in which she was a passenger to check the vehicle registration. Lopez allowed the taxi driver to leave but handcuffed her and placed her in the back seat of the patrol car. Lopez showed her a computer return indicating she had a warrant. Lopez drove behind a warehouse and told her he would release her if she agreed to provide him with drug dealers' names within three weeks. Lopez told her if she failed to provide him with the names he would arrest her for the warrant. Lopez dropped her off on Valley Boulevard in the City of Industry.

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[4] The text messages and voicemails corroborate the intimate relationship between Lopez and [redacted] but not any of [redacted] criminal allegations.



Later in November 2009, [redacted] was inside a bar when Lopez grabbed her arm and escorted her to his patrol car. He told her to give him the names of drug dealers. [redacted] told him she did not know anyone dealing drugs. Lopez arrested her for the warrant. Lopez wrote his telephone number on her hand and told her to call him when she was released. He also told her he would put money on her account to make telephone calls from jail.

After her release from custody, [redacted] met with Lopez about nine times. Lopez picked her up at a McDonald's restaurant on Valley Boulevard or on the street where she lives. They typically drove to fast food restaurants or donut shops north of the San Bernardino Freeway so no one in the neighborhood would see them together. He also drove her to Avocado Heights Park in Bassett and the Industry Station parking lot. [redacted] introduced Lopez to her [redacted] an auto body shop employee, when Lopez needed car repairs.

When [redacted] met with Lopez, they would just talk in the truck. Lopez gave her advice and tried to get her to enroll in school. [redacted] believed that Lopez was interested in maintaining a relationship with her because she knew people from the neighborhood and he wanted information. [redacted] considers Lopez to be a friend and felt he was trying to help her stop smoking and go to school. Lopez never made sexual advances toward her.

On one occasion, Lopez detained her and told her, "You fuck up, I'll plant some shit (drugs) on you." When he arrested her for the warrant, he showed her a plastic bag containing narcotics while she was in the booking cage. Lopez told her to hold the bag but she refused because she did not want him to charge her for possessing the drugs. Lopez asked her how much methamphetamine was in the bag and she estimated one-sixteenth of an ounce. [redacted] had heard that a taxi driver claimed if Lopez caught you with drugs he would let you go if you provided him with information on other drug dealers.

The night before this interview, [redacted] text messaged Lopez asking if she had a warrant. On the day of this interview, Lopez replied by text message, "Sorry Babe, I got busy last night. So far your name hasn't come up with a warrant yet. Take care of it before it does."

LEGAL ANALYSIS

There is no corroboration of [redacted] allegations that Lopez gave her illegal drugs. [redacted] is not an impartial witness. The recent break up of their relationship and/or possible jealously over Lopez's relationship with other females significantly undermines the credibility of [redacted] allegations. Further, the whereabouts of the alleged possessed drugs are unknown, so there is no way to prove their chemical nature. Accordingly, there is insufficient evidence to prove the crime of possession of illegal drugs.

[redacted] possession of apparently the same pouch that Lopez recovered during a recent narcotics arrest supports her allegation that Lopez gave the pouch to her. However, apart from [redacted] statement, there is no evidence of how the pouch came into her possession. Lopez referred to the pouch in his arrest report and attached photographs of it. Recommending that criminal charges be filed against the arrestee, he was aware that his recovery of the pouch would be the subject of a criminal prosecution. Penal Code section 135 requires intent to conceal an item to prevent it from being produced in evidence. It is unimaginable that Lopez would have intentionally concealed the pouch from evidence while simultaneously describing it in an arrest report and documenting it in photographs. Similarly, Penal Code section 484(a) requires intent to permanently deprive the owner of the property. It seems unreasonable to conclude that Lopez intended to keep such an inexpensive item when he would be immediately tied to its loss.

On the other hand, in view of their intimate relationship, it appears reasonable that [redacted] had access to Lopez's personal belongings. If Lopez inadvertently failed to book the pouch and it remained with his work equipment, [redacted] could have taken it from Lopez's possession without his knowledge. The pouch was arguably more valuable to [redacted] to use as a means to corroborate her eventual allegations or to otherwise gain some control in her relationship with Lopez. In any event, without any evidence apart from [redacted] statement as to what transpired, there is insufficient evidence to prove beyond a reasonable doubt that Lopez committed the crimes of concealing evidence and petty theft.

Based upon the evidence examined, we decline to initiate criminal proceedings against Robert Lopez. We are closing our file and will take no further action in this matter.



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

January 30, 2013

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of* ***ROBERT LOPEZ*** *for a hearing on his* ***discharge****, effective September 1, 2011, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 11-296**.

The Civil Service Commission, at its meeting held on January 23, 2013 approved findings in the above-entitled case. The objections submitted were overruled.

Since a copy of these findings has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure, as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Lawrence D. Crocker
Executive Director

LDC:se

Enclosure

c: Robert Lopez
Audra Call
Vincent McGowan
David Beauvais

ROOM 522 KENNETH HAHN HALL OF ADMINISTRATION • 500 W. TEMPLE STREET, LOS ANGELES, CA 90012 • TELEPHONE (213) 974-2411 • FAX (213) 974-2534

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

In the matter of the **discharge**, effective September 1, 2011, from the position of Deputy Sheriff, Sheriff's Department, of

ROBERT LOPEZ
(Case No. 11-296)

ORDER OF THE CIVIL SERVICE COMMISSION

On January 23, 2013, the Civil Service Commission of the County of Los Angeles, having read the foregoing Findings of Fact and good cause appearing therefor, overruled the petitioner's objections. The Commission adopted as its final decision the findings and recommendation of the Hearing Officer, David Beauvais, to sustain the Department. Commissioner Felton dissented.

Dated this 30th day of January, 2013.

Evelyn V. Martinez
EVELYN V. MARTINEZ, President

LYNN ADKINS, Member

Dissented — Vange Felton
VANGE FELTON, Member

Carol Fox
CAROL FOX, Member

Z. GREG KAHWAJIAN, Member

LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

In the Matter of the Appeal of Robert Lopez, Appellant And Los Angeles County Sheriff's Department Respondent CASE #: 11-296	FINDING OF FACT; CONCLUSIONS OF LAW AND RECOMMENDED DECISION

APPEARANCES:

For the Appellant: Audra Call, Law Office of Green and Shinee

For the Respondent: Vincent C. McGowan, Law Office of Hausman and Sosa LLP

BEFORE: David P. Beauvais, Hearing Officer

INTRODUCTION

The above captioned matter was heard by David P. Beauvais, Hearing Officer for the Los Angeles County Civil Service Commission. The hearing was conducted on April 3, 9 and 11, May 30, June 1, and July 24, 26, 2012. The record was kept open until August 10, 2012 to allow for an additional submission by the Appellant and possible response by the Department. Following the hearing, the parties submitted written argument which was received by the Hearing Officer on August, 30, 2012.

ISSUE

On June 10, 2012, the Commission defined the issues in this matter as:

1. Are the allegations contained in the Department's letter of September 1, 2011, true?
2. If any or all are true, is the discipline appropriate?

BACKGROUND

Robert Lopez was employed as a Deputy Sheriff by the Los Angeles County Sheriff's Department since April 2000. The Appellant was assigned to the Industry Station during the relevant time period outlined in the Letter of Charges. The Appellant had two minor suspensions in 2003 for attendance related issues (Dept Ex. 26, 27). The Appellant received a Notice of Intent to Discharge on July 19, 2011. Following a Skelly hearing, the Appellant was issued a Notice of Discharge dated September 1, 2011. The Appellant was charged with violation of the Department's policy on fraternization and prohibited association. Specifically, the Appellant was charged with violation of the Sheriff's Department's Manual of Policy and Procedures as follows:

Section 301/050. 85, Fraternization, and/or

Section 3-01/030.90, Prohibited Association, and/or

Section 3-01/030.05, General Behavior, and/or

Section 3-01/050.10, Performance to Standards, and/or

Section 3-01/030.10, Obedience to Laws, Regulations, and Orders

The charges stem from the Appellant's association and relationship with two women [redacted] and [redacted] With respect to Ms [redacted] the Appellant is charged with:

- Using his personal credit card to charge $25.00 so that Ms [redacted] could contact him while incarcerated.

- Providing care for Ms [redacted] son while Ms [redacted] was incarcerated.

- Continuing an intimate relationship with Ms [redacted] after her release from custody.

- Failing to notify his unit Commander of said relationship.

- Failing to obtain written authorization from his unit Commander to maintain said relationship.

In regard to the charges as they relate to Ms [redacted] the Appellant was specifically charged as follows:

- Using his personal credit card to charge $25.00 for Ms [redacted] while she was incarcerated so that she could contact him.

- Arresting Ms [redacted] as a favor to her.

- Continuing contact with Ms [redacted] after her release from custody.

- Failing to notify his unit Commander of said relationship.

- Failing to obtain written authorization from his unit Commander to maintain said relationship.

Further, the Appellant was charged with violation of the Manual of Policy and Procedures Section 3-01/040,65, Tampering with Evidence; Section 3-01/040.45, Safeguarding Money, Property and Evidence; Section 3-01/050.10, Performance to Standards; and Section 3-01/939.10, Obedience to Laws, Regulations and Orders. Specifically, the Appellant was charged with failure to properly book a black pouch which was obtained in the course of an arrest and was believed to have contained drugs.

Mr. Lopez met Ms [redacted] on or around June 25, 2009. He subsequently began dating Ms [redacted] The relationship soon became intimate. On September 3, 2009, Ms [redacted] was arrested and charged with receipt of stolen property (a credit card) and being under the influence of drugs. During her incarceration Ms [redacted] phoned the Appellant five separate times. Ms [redacted] was able to contact the Appellant because he credited his card in the amount of twenty-five dollars ($25.00) so that she could make collect calls to him from jail.

While Ms [redacted] was incarcerated the Appellant took care of her youngest child for a period of several days. Ms [redacted] was released from custody on September 15, 2009. Thereafter, the Appellant maintained an on again – off

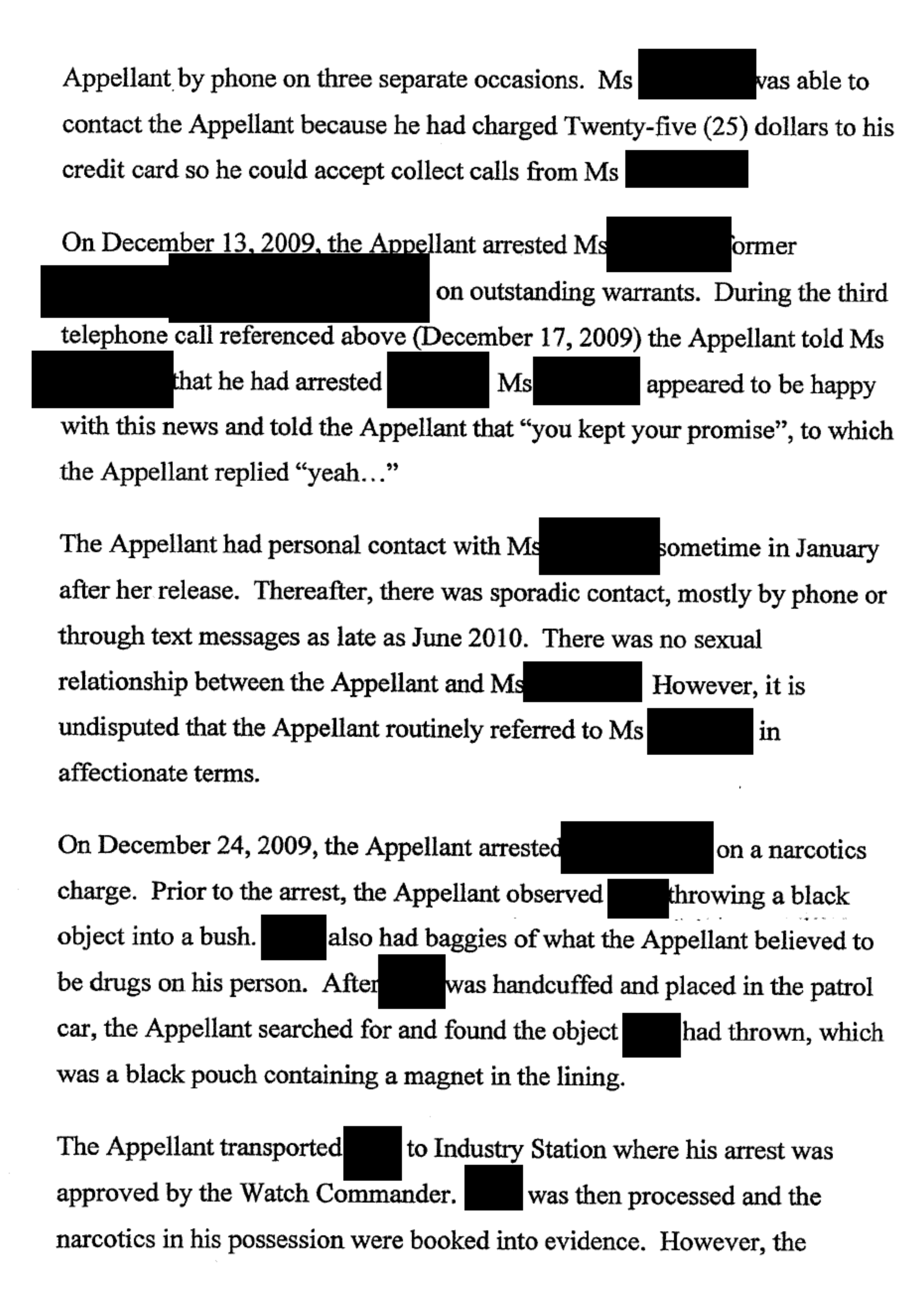
again intimate relationship with Ms [redacted] through the fall of 2009 and into early 2010. On December 1, 2009, the Appellant brought Ms [redacted] to Industry Station to meet with Detective Robert Maybury.[1] The purpose of the meeting was to interview Ms [redacted] as a possible informant. Maybury and the Appellant reviewed Ms [redacted] criminal record to determine her suitability as an informant. According to Maybury, he subsequently cautioned the Appellant about his relationship with Ms [redacted]

In early March 2010 Ms [redacted] contacted command officers at the Industry Station and told them that she had information about the Appellant using and selling drugs. Ms [redacted] was subsequently interviewed by Internal Criminal Investigations Bureau (ICIB) Sergeant Kelly Matthews and command officers from the Industry Station on March 8, 2010. Following the interview, Sergeant Matthews continued the investigation, completing a supplemental investigative report on April 13, 2010 (Dept. Ex. 10).

The Appellant's first contact with [redacted] was in early November 2009. The Appellant stopped her on the street and questioned her. The Appellant searched her purse and looked through her cell phone, adding his phone number to her phone. The Appellant appeared to know who she was and asked her for information about drug sales and drug dealers in the neighborhood. Ms [redacted] denied any knowledge of drug sales or dealers.

On November 24, 2009, the Appellant arrested Ms [redacted] on an outstanding warrant. Ms [redacted] was subsequently incarcerated at the Central Regional Detention Facility (CRDF) from November 25, 2009 to January 5, 2010. During her incarceration Ms [redacted] contacted the

[1] Detective Maybury was subsequently promoted to Sergeant and now works at the Norwalk Station.



Appellant by phone on three separate occasions. Ms [redacted] was able to contact the Appellant because he had charged Twenty-five (25) dollars to his credit card so he could accept collect calls from Ms [redacted]

On December 13, 2009, the Appellant arrested Ms [redacted] former [redacted] on outstanding warrants. During the third telephone call referenced above (December 17, 2009) the Appellant told Ms [redacted] that he had arrested [redacted] Ms [redacted] appeared to be happy with this news and told the Appellant that "you kept your promise", to which the Appellant replied "yeah…"

The Appellant had personal contact with Ms [redacted] sometime in January after her release. Thereafter, there was sporadic contact, mostly by phone or through text messages as late as June 2010. There was no sexual relationship between the Appellant and Ms [redacted] However, it is undisputed that the Appellant routinely referred to Ms [redacted] in affectionate terms.

On December 24, 2009, the Appellant arrested [redacted] on a narcotics charge. Prior to the arrest, the Appellant observed [redacted] throwing a black object into a bush. [redacted] also had baggies of what the Appellant believed to be drugs on his person. After [redacted] was handcuffed and placed in the patrol car, the Appellant searched for and found the object [redacted] had thrown, which was a black pouch containing a magnet in the lining.

The Appellant transported [redacted] to Industry Station where his arrest was approved by the Watch Commander. [redacted] was then processed and the narcotics in his possession were booked into evidence. However, the

Appellant did not book the black pouch into evidence, purportedly because he wanted to show it to narcotics detectives at Industry Station. The Appellant placed the black pouch in his vehicle, and subsequently noticed it was missing. He did not report the pouch missing to anyone at Industry Station.

During her March 2010 interview Ms [redacted] produced the pouch and gave it to Sergeant Matthews. Ms [redacted] claimed the Appellant had given her the pouch.

TESTIMONY OF WITNESSES

The Department presented seven witnesses in their case-in-chief. The Appellant presented one witness and testified on his own behalf.

[redacted]

[redacted] testified that she has been arrested "about" five times and has two drug related felony convictions. Ms [redacted] testified that she first encountered the Appellant when he stopped her as she was leaving a McDonalds restaurant. The Appellant asked her if she was holding drugs and if she knew people who used drugs. The Appellant put his phone number in her cell phone and told her to call him if she had any information. Ms [redacted] said the Appellant knew her name, even though they had never met.

Ms [redacted] stated that she called the Appellant several hours later and gave him information about her aunt. The Appellant also asked her about her [redacted] during the conversation. Ms [redacted] testified that she had off and on contact with the Appellant following their initial meeting. The Appellant "worked her" for information about drug sales and locations. The Appellant expressed concern for her situation and told her to "get clean".

Ms [redacted] testified that the Appellant arrested her on an outstanding warrant in late November, 2009. She stated that she spent several months in county jail as a result. Ms [redacted] testified that she talked by phone to the Appellant while in custody and he told her he would try to help her out. Ms [redacted] listened to recordings of her conversations with the Appellant while in custody and confirmed that she was the female in the recordings.

Ms [redacted] testified that she continued to have contact with the Appellant after her release from County Jail in January 2010. Photographs of text messages on her phone from June 2010 were shown to her, and she admitted that these were text messages she exchanged with the Appellant.

[redacted]

[redacted] testified that she first met the Appellant when he stopped her on the street in La Puente in late June 2009. The Appellant asked her questions about drug activity in the area and if she knew any drug dealers. The Appellant put his phone number into her cell phone and told her to call him if she had any useful information. Ms [redacted] said she subsequently

called the Appellant and told him she did not have any information, but that she was interested in him.

Ms [redacted] testified that the Appellant picked her up on July 4, 2009 and they went on a date. Thereafter, she began a sexual relationship with the Appellant that lasted through 2009 and into 2010. Ms [redacted] stated that the sexual relationship began before she was incarcerated in September 2009, and continued after she was released. She testified that she saw the Appellant the day she was released from County Jail.

Ms [redacted] testified that the Appellant took her out to dinner several times and that he spent Thanksgiving at her home. She stated that the Appellant did multiple favors for her, such as buying her [redacted] bike, paying for a [redacted] as evidence in a [redacted] with her [redacted], and taking care of her [redacted] while she was incarcerated.

Recordings of her conversations with the Appellant while incarcerated were played for the witness, and she confirmed that it was her voice on the recordings. Ms [redacted] said that she and the Appellant used affectionate terms for each other and that they discussed her use of drugs and criminal record.

Ms [redacted] testified that the Appellant gave her the black pouch after being stopped by a Highway Patrolman in his personal vehicle. She stated that the pouch fell to the floor after the Patrolman left and that the pouch contained drugs. The Appellant asked her if she wanted the drugs and she took the

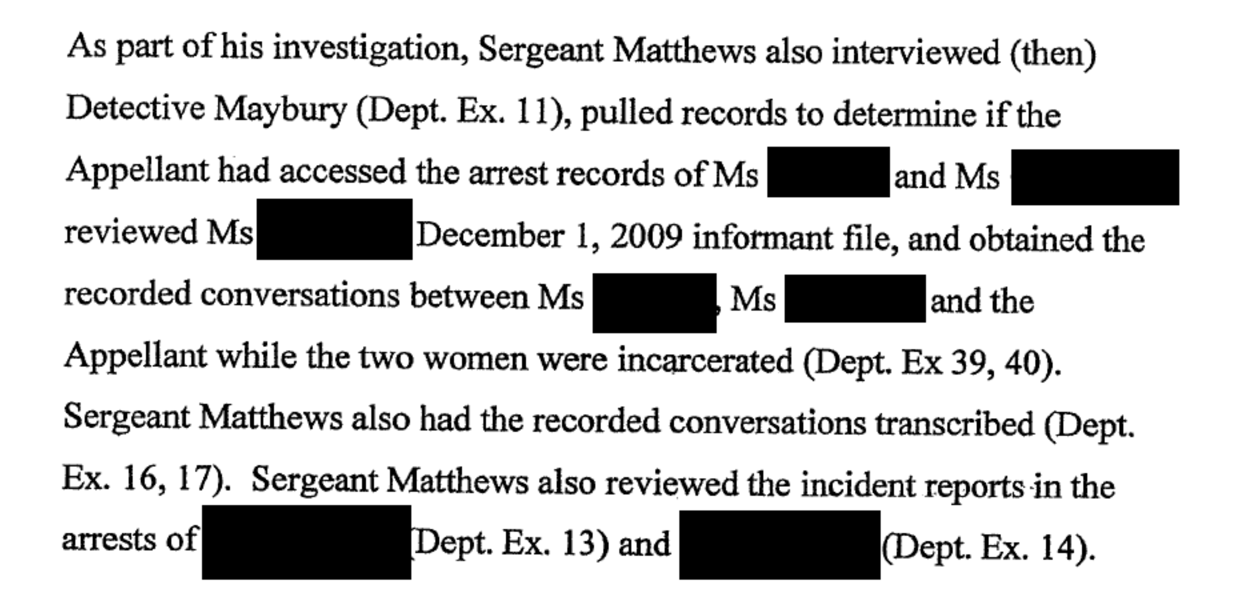
pouch. She testified that she gave the drugs to friends, but kept the pouch until she gave it to Sergeant Matthews during her interview in March 2010.

Ms [redacted] stated that she became a "carded" informant because she was falling in love with the Appellant and wanted to please him.
Ms [redacted] testified that she knew [redacted] and in fact had used drugs with her. Ms [redacted] denied being jealous or upset when the Appellant talked to other females.

Under cross examination, Ms [redacted] admitted that she had just left a drug house the first time the Appellant stopped her in June 2009. She was not sure if the Appellant saw her leave the house, but assumed that is the reason he stopped her and questioned her.

Sergeant Kelly Matthews

Sergeant Kelly Matthews is an investigator for the Internal Criminal Investigation Bureau. Sergeant Matthews started an investigation upon a verbal report from Command Officers at the Industry Station that [redacted] had reported to them that the Appellant was involved in criminal activity. Sergeant Matthews interviewed Ms [redacted] on March 8, 2010 (Dept. Ex. 10). Sergeant Matthews subsequently interviewed Lieutenant Hiroshi Yokoyama and a civilian named [redacted] ([redacted] to the Appellant). Sergeant Matthews also interviewed [redacted] on June 17, 2010 (Dept. Ex. 10).



As part of his investigation, Sergeant Matthews also interviewed (then) Detective Maybury (Dept. Ex. 11), pulled records to determine if the Appellant had accessed the arrest records of Ms [redacted] and Ms [redacted] reviewed Ms [redacted] December 1, 2009 informant file, and obtained the recorded conversations between Ms [redacted], Ms [redacted] and the Appellant while the two women were incarcerated (Dept. Ex 39, 40). Sergeant Matthews also had the recorded conversations transcribed (Dept. Ex. 16, 17). Sergeant Matthews also reviewed the incident reports in the arrests of [redacted] Dept. Ex. 13) and [redacted] (Dept. Ex. 14).

Sergeant Matthews compiled a Summary Investigative Report (Dept. Ex. 4) On July 30, 2010. The investigative file was sent to the Los Angeles District Attorney's Office for review. The District Attorney's Office reviewed the evidence, but declined to prosecute, citing the fact that there was no corroboration of Ms [redacted] allegations and noting that she was not an impartial witness (App. Ex. D). The District Attorney's Office closed the criminal review of the case on October 15, 2010, with no further action taken.

The case was then turned over to the Internal Affairs Bureau (IAB) for investigation. The IAB subsequently interviewed the Appellant on November 29, 2010 (Dept. Ex. 6) regarding the administrative charges set forth in the Charge letters.

<u>Sergeant Sonja Brackan</u>

Sergeant Bracken testified regarding the circumstances of Manual Ruiz's arrest on February 24, 2010 by the Appellant and the black pouch found at the arrest scene. Sergeant Bracken testified that she did not tell the Appellant that he did not have to book the pouch into evidence and that standard procedure would have been to book the pouch. Sergeant Bracken also testified that she reviewed the incident report and signed off on it, but overlooked the fact that the black pouch had not been booked into evidence.

Sergeant Robert Maybury

Sergeant Maybury, then a narcotics Detective at Industry Station, testified regarding his December 1, 2009 meeting with [redacted] and the Appellant, and his subsequent interaction with both. Regarding the December 1, 2010 meeting, Sergeant Maybury stated that the Appellant had previously advised him that he had a potential informant, and brought her in with the intent of enlisting her as a "carded" informant. Sergeant Maybury testified that he reviewed Ms [redacted] criminal history "line-by-line" with Ms [redacted] and the Appellant. Sergeant Maybury testified that he was concerned about a domestic violence arrest on Ms [redacted] record, but she explained the circumstances.

Sergeant Maybury stated that he completed the paperwork for Ms [redacted] during the meeting (Dept. Ex. 38). The meeting lasted about a half hour. Sergeant Maybury testified that he was concerned about the interaction between the Appellant and [redacted] during the meeting.

Sergeant Maybury testified that they subsequently used [redacted] for one operation. The Appellant brought [redacted] to the Station in his private vehicle, which made Maybury even more concerned that the Appellant and [redacted] had too close a relationship. Sergeant Maybury said that after this operation he discussed the relationship with the Appellant, telling him that getting too close to an informant could get him in trouble. Sergeant Maybury testified that he discontinued using [redacted] as an informant after the one operation. Sergeant Maybury also testified that the Appellant never disclosed the exact nature of his relationship with [redacted] and that he (Maybury) would not have used [redacted] as a "carded" informant if the Appellant had disclosed the information.

Deputy Jesus Anguiano

Deputy Anguiano is a [redacted] assigned to the Men's Central Jail. He testified that he teaches a course in fraternization as part of the training for new Deputies, most of who are assigned to custodial duties after graduating from the Academy. Deputy Anguiano stated that he used specific examples of problems that can arise in both a custodial and patrol environment.

Deputy Anguiano reviewed the transcripts of the telephone conversations between the Appellant, [redacted] and [redacted] He also reviewed the IAB interview of the Appellant. Deputy Anguiano concluded that the Appellant's action were in violation of the fraternization policy. Deputy Anguiano's testimony was provided as background, he was not part of the decision making process regarding the discipline imposed on the Appellant.

Chief Thomas Laing

Chief Laing was the decision maker in this disciplinary action. Chief Laing manages the patrol operation for the Eastern portion of the County, with a workforce of approximately 1400 employees. Chief Laing has been with the Sheriff's Department since 1978 and has held numerous positions.

Chief Laing testified that he reviewed copious documents in this case before reaching the decision to discharge the Appellant. Chief Laing testified that the table of penalties found in the Department's Guideline for Discipline (Dept. Ex. 31) contain only one penalty for fraternization or prohibited association, and that is discharge. Chief Laing emphasized that a high degree of trust is placed in peace officers, and that they are held to a higher standard of conduct than civilian employees.

Chief Laing testified that he reviewed the Appellant's work history and evaluations, and that they reflected a good service record. However, Chief Laing did not believe that the Appellant's years of service mitigated his multiple violations of regulations. Chief Laing stated that the Appellant's admissions during his IAB interview were enough to warrant discharge.

Lieutenant Edwin Alvarez

Lt. Alvarez was called by the Appellant as a witness. Lt. Alvarez testified that he has known the Appellant for over forty (40) years and that they were classmates. Lt. Alvarez has twenty-three (23) years of service with the Sheriff's Department. Lt. Alvarez was assigned to Industry Station during

the relevant time period, but did not directly supervise the Appellant. Lt. Alvarez said the Appellant had a "great reputation" at Industry Station, primarily because of his arrest record of gang members.

Lt. Alvarez testified that the Appellant told him about an informant who had information of drug activity at a barbershop. Lt. Alvarez advised the Appellant to contact the Narcotics Team at Industry Station and let them handle it.

Lt. Alvarez was not involved in the decision to discharge the Appellant, and testified that he learned of the disciplinary action from Deputies at the Industry Station. Lt. Alvarez stated that he was available to the Appellant for advice, and had he (Alvarez) known of the relationship between [redacted] and the Appellant he would have advised the Appellant to break it off. Lt. Alvarez also said that he would have had "grave reservations" about using [redacted] as a "carded" informant had he known of the relationship.

Robert Lopez (Appellant)

Robert Lopez testified on his own behalf. The Appellant stated that he was hired in 2000 and was initially assigned to the Men's Central Jail. He then moved on to patrol assignments in Compton and Industry. The Appellant testified that he had never been given any formal training in the use of informants. He observed what other deputies did while assigned to the Compton station, such as using as separate phone for informants, and did the same.

The Appellant testified that he first encountered [redacted] on a traffic stop. He ran her for warrants and saw she had an outstanding warrant. He gave her his phone number and asked her to call him with information about drug activity in the area. Approximately two weeks later he ran into her again, and he arrested her on the outstanding warrant. The Appellant testified that [redacted] called him from County Jail. He admitted putting twenty-five (25) dollars on his credit card so she could call him while incarcerated. The Appellant stated he did this because he wanted to keep her confidence, as she had a lot of contacts.

The Appellant testified that he learned of [redacted] from another informant. [redacted] had three (3) warrants out for his arrest and the Appellant had been looking for him for some time. The Appellant testified that he arrested [redacted] on the outstanding warrants and not as a favor to [redacted] The Appellant also noted that [redacted] was in the possession of drugs at the time of his arrest. The Appellant did admit telling [redacted] about the arrest during her incarceration.

The Appellant testified that he did see [redacted] after she was released from County Jail. He recalled that it was in January 2010. The Appellant stated that he saw [redacted] enter a cab, which he stopped. The Appellant testified that he questioned [redacted] and gave her his number again. The Appellant stated that he did not know when [redacted] had been released from County Jail. The Appellant testified that he continued contact with [redacted] because he saw her as a potential informant. He admitted using terms of endearment towards [redacted] and said he did so to make her comfortable and win her confidence.

The Appellant testified that he first met [redacted] while making a drug arrest. The Appellant stopped her and questioned her. He asked her how long she had lived in the area, and gave her his phone number. He told her to call him if she had any information about drug activity in the area. The Appellant testified that [redacted] subsequently called him and told him that she was interested in going out with him. They arranged a date for the Fourth (4th) of July.

The Appellant testified that following that first date, he and [redacted] developed and intimate relationship. They went out for meals, went out at least once to a movie, he hung out with her, and met her family. The Appellant testified that he did not think [redacted] was using drugs at the time, he did not check her criminal record after their initial contact. He testified that he was not aware of her criminal record. The Appellant admitted that he took care of [redacted] when she was arrested in September 2009. He also admitted that he put twenty-five (25) dollars on his credit card so that she could call him from County Jail. The Appellant also admitted receiving calls from [redacted] while she was incarcerated. The Appellant testified that he was not aware that accepting phone calls from [redacted] could lead to discipline, but was aware of the fraternization policy and aware that he should not have contact with some who had been incarcerated for at least thirty (30) days.

The Appellant testified that contrary to [redacted] testimony, he did not see hear immediately after her release. He said he bought her son a bicycle, but that was at Christmas time, not immediately after her release. He stated that he did see [redacted] on Halloween. The Appellant testified that he was

aware that [redacted] had been arrested for possession of stolen property and being under the influence of drugs. He was aware that she had pled guilty to misdemeanors and had received summary probation.

The Appellant testified that [redacted] told him about a barbershop where drugs were being sold, and that she indicated she was willing to become an informant. That led to the December 1, 2009 meeting with then Detective Maybury. The Appellant testified that Detective Maybury reviewed [redacted] record with her during the meeting. The Appellant testified that [redacted] signed an informant agreement. Subsequently, the Appellant and Detective Nyquil filled out a warrant and had it signed by a judge. However the scheduled buy was cancelled. The Appellant testified that [redacted] was upset that the operation was cancelled and told him that she did not want to be an informant. The narcotics team tried to reschedule the buy, but the Appellant could not locate [redacted] for the operation.

The Appellant testified that Detective Maybury never expressed any reservations about using [redacted] as an informant. The Appellant also denied that Maybury had ever cautioned him about his relationship with [redacted] but conceded that Maybury expressed concern when the Appellant arrived with [redacted] in his private vehicle before the cancelled barbershop operation.

The Appellant testified that [redacted] became very jealous when she saw him with [redacted] in his car. [redacted] told him that she was going to report him as a druggie. The Appellant said he was very concerned that

[redacted] was going to make up a bunch of stories out of jealousy. The Appellant denied ever giving [redacted] drugs or using drugs himself.

Regarding the black pouch, the Appellant admitted that he had not booked the pouch into evidence. He stated that his intention was to turn the pouch over to the narcotics team because it was a good example of how drug users will hide drugs. The Appellant stated that he put the black pouch in the center console of his truck, but it disappeared. The Appellant testified that he showed the pouch to [redacted] sometime before it disappeared. After he noticed the pouch was missing the Appellant tried to contact [redacted] to see if she had it, but she was not home. The Appellant also contacted [redacted] to inquire about the pouch. On cross examination the Appellant stated that he had the black pouch for "several days" before it disappeared. The Appellant also admitted that he never notified anyone on the narcotics team or any superior officer of the pouch's disappearance.

DISCUSSION

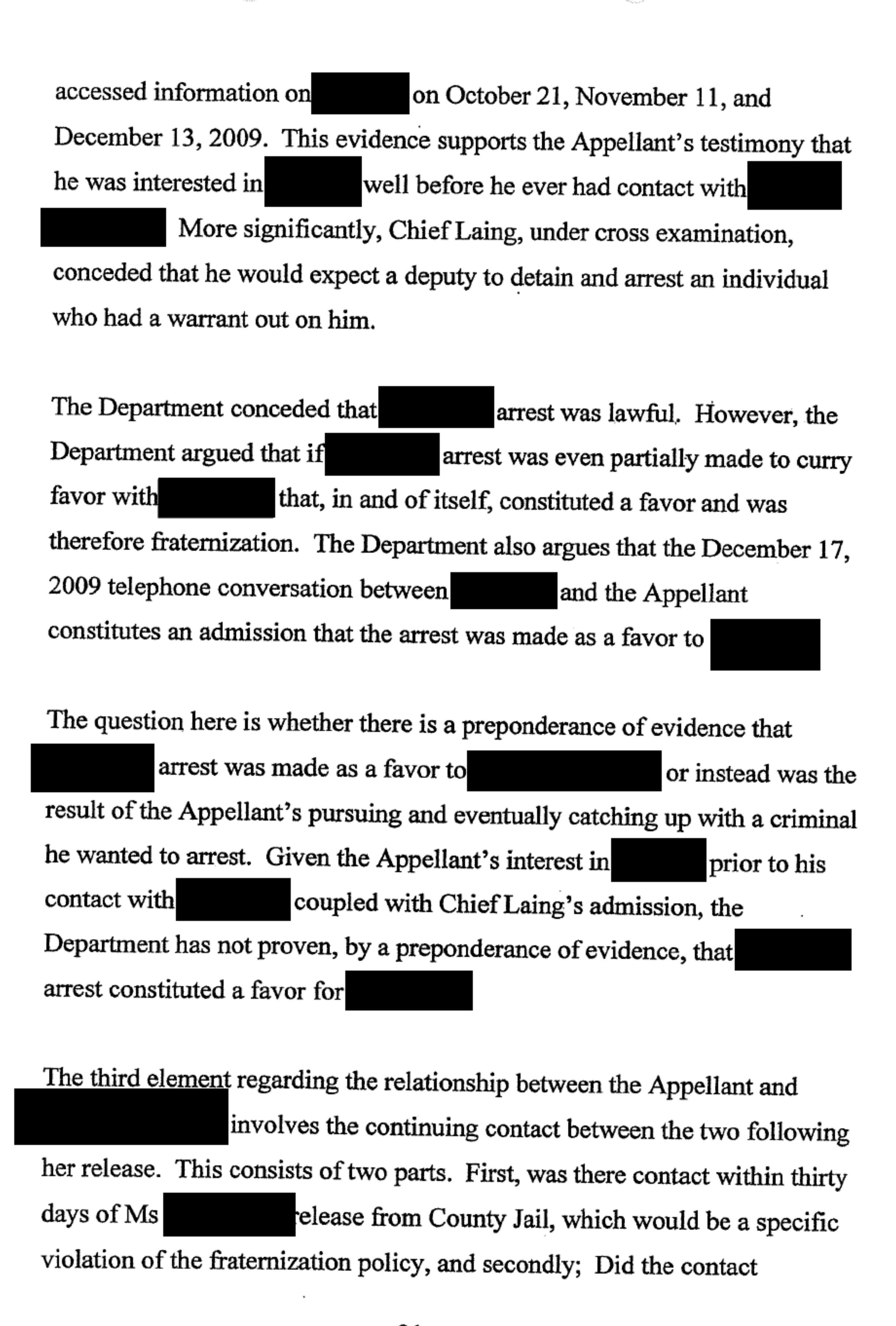
The Notice of Charges in this case contains three separate charges; the Appellants relationship with [redacted] the Appellants relationship with [redacted] and the Appellant's alleged failure to properly book the black pouch previously discussed. The charges involving [redacted] and [redacted] also contain distinct elements, which will be addressed in this analysis.

Relationship with [redacted]

First, there is no dispute that the Appellant used personal funds so that Ms [redacted] could phone him while incarcerated. Nor is there any dispute that Ms [redacted] contacted the Appellant by phone during her incarceration. The question is whether the Appellant's action constituted fraternization. The answer is that it quite clearly did. The Department's policy on fraternization is relatively straight forward. In relevant part it states: *"Except as permitted by written authority of member's Unit Commander, a member shall not fraternize with, engage the services of, accept services from, or do favors for any person in the custody of the Department or who is known by the member to have been released from the custody of the Department within a period of 30 days."*

Undoubtedly, providing funds to Ms [redacted] so she could call him constituted a "favor" within the letter and spirit of the fraternization policy. The Appellant testified that he did so to keep Ms [redacted] confidence so that he might eventually use her as an informant. That may well be true, but his motives here are irrelevant. What is relevant is the action itself; the action of providing funds to an incarcerated individual, for whatever reason, can plainly be construed as a favor.

Secondly, the Appellant is charged with arresting [redacted] as a favor to [redacted] This element is more problematic. The Appellant testified that [redacted] he had been looking for [redacted] for some time. This is borne out by Sergeant Matthew's Supplemental Report (Dept. Ex. 10, pg. 20). As part of his investigation Sergeant Matthews contacted the SCC Public Response Dispatch Unit to see if the Appellant had accessed [redacted] information. The SCCPRDU confirmed that the Appellant had



accessed information on [redacted] on October 21, November 11, and December 13, 2009. This evidence supports the Appellant's testimony that he was interested in [redacted] well before he ever had contact with [redacted] More significantly, Chief Laing, under cross examination, conceded that he would expect a deputy to detain and arrest an individual who had a warrant out on him.

The Department conceded that [redacted] arrest was lawful. However, the Department argued that if [redacted] arrest was even partially made to curry favor with [redacted] that, in and of itself, constituted a favor and was therefore fraternization. The Department also argues that the December 17, 2009 telephone conversation between [redacted] and the Appellant constitutes an admission that the arrest was made as a favor to [redacted]

The question here is whether there is a preponderance of evidence that [redacted] arrest was made as a favor to [redacted] or instead was the result of the Appellant's pursuing and eventually catching up with a criminal he wanted to arrest. Given the Appellant's interest in [redacted] prior to his contact with [redacted] coupled with Chief Laing's admission, the Department has not proven, by a preponderance of evidence, that [redacted] arrest constituted a favor for [redacted]

The third element regarding the relationship between the Appellant and [redacted] involves the continuing contact between the two following her release. This consists of two parts. First, was there contact within thirty days of Ms [redacted]elease from County Jail, which would be a specific violation of the fraternization policy, and secondly; Did the contact

following the thirty (30) day period constitute fraternization? The answer to the first question is yes. The evidence established that [redacted] was released from custody on January 5, 2010 (Dept. Ex. 33). Ms [redacted] testified that she had a telephone conversation with the Appellant a few days of her release. The Appellant confirmed this in his testimony, saying that he had only one telephone conversation with [redacted] in January 2010.

Certainly, this telephone conversation can be construed as fraternization. Moreover, the Appellant testified that he had personal contact with [redacted] in January 2010 when he saw her in a cab. The Appellant testified that he stopped the cab and talked to [redacted] The Appellant told her he was interested in using her as an informant and again gave her a cell phone number to contact him. The Appellant testified that he was aware of the fraternization policy and the thirty (30) day rule of no contact with individuals who had been in the custody of the Department.

The second part of this element concerns the admitted ongoing contact between the Appellant and [redacted] from late February to June 2010. According to the testimony of both [redacted] and the Appellant, there were multiple occasions of personal contact, telephone conversations, and text messages exchanged. The Appellant argues that the Department is limited to the dates set forth in the charge letter, which is on/or about February 2009 to March 2010, and that communications such as text messages after March 2010 should not be considered by the Hearing Officer. However, even contact between April and June 2010 is not considered, the evidence supports that there were multiple contacts in January, February and March 2010. On the other hand, the Department clearly had evidence of contact up

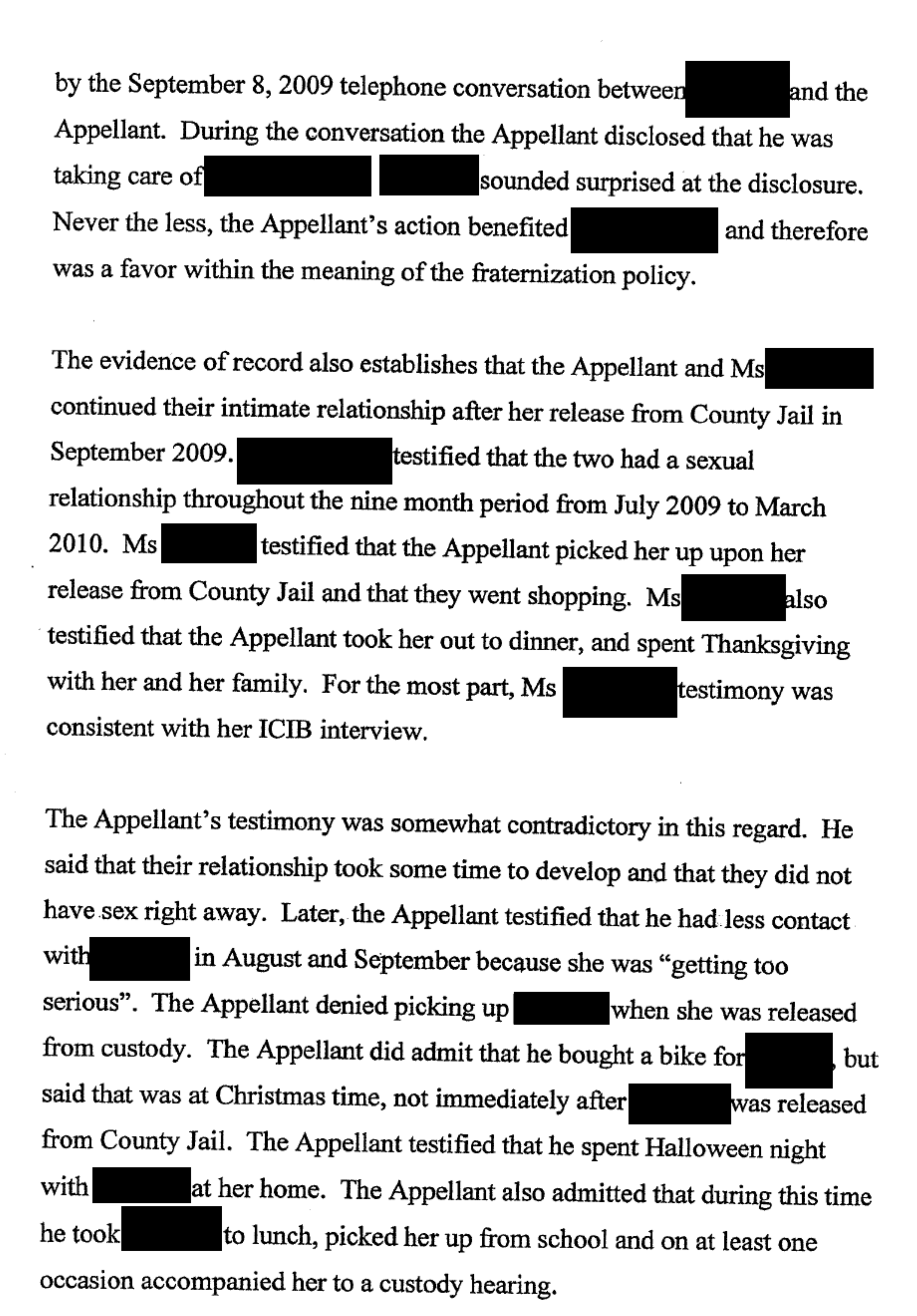
until at least June 2010, but never-the-less defined February 2009 to March 2010 as the period of misconduct. Therefore, the Appellants contact with [redacted] after March 2010 was not considered by the Hearing Officer.

It is undisputed that the Appellant never notified his unit commander of his contact with [redacted] within thirty (30) days of her release from County Jail. Nor did he receive written authorization for the contact or subsequent contact in February and March 2010. Since there is no dispute to these facts, the Department has established that the Appellant violated both the Fraternization Policy and the Prohibited Association Policy (Dept. Ex. 50) on those elements.

Relationship with [redacted]

As with [redacted] there is no dispute that the Appellant enabled [redacted] to contact him during her incarceration in County Jail in September 2009 by placing twenty-five (25) dollars on his credit card for her use. Ms [redacted] testified to that effect, and the Appellant admitted that he had done so during his testimony. This allowed Ms [redacted] to telephone the Appellant five (5) times during her relatively short period of incarceration. Without question, this amounted to a favor and was a violation of the Department's fraternization policy.

Similarly, providing care for Ms [redacted] while she was incarcerated must also be construed as a favor. The Appellant testified that he took care of the boy at the request of Ms [redacted] That testimony is validated



by the September 8, 2009 telephone conversation between [redacted] and the Appellant. During the conversation the Appellant disclosed that he was taking care of [redacted] [redacted] sounded surprised at the disclosure. Never the less, the Appellant's action benefited [redacted] and therefore was a favor within the meaning of the fraternization policy.

The evidence of record also establishes that the Appellant and Ms [redacted] continued their intimate relationship after her release from County Jail in September 2009. [redacted] testified that the two had a sexual relationship throughout the nine month period from July 2009 to March 2010. Ms [redacted] testified that the Appellant picked her up upon her release from County Jail and that they went shopping. Ms [redacted] also testified that the Appellant took her out to dinner, and spent Thanksgiving with her and her family. For the most part, Ms [redacted] testimony was consistent with her ICIB interview.

The Appellant's testimony was somewhat contradictory in this regard. He said that their relationship took some time to develop and that they did not have sex right away. Later, the Appellant testified that he had less contact with [redacted] in August and September because she was "getting too serious". The Appellant denied picking up [redacted] when she was released from custody. The Appellant did admit that he bought a bike for [redacted], but said that was at Christmas time, not immediately after [redacted] was released from County Jail. The Appellant testified that he spent Halloween night with [redacted] at her home. The Appellant also admitted that during this time he took [redacted] to lunch, picked her up from school and on at least one occasion accompanied her to a custody hearing.

The Appellant also admitted that he knew that [redacted] had been arrested in September 2009 for receiving stolen property and being under the influence of drugs. Despite that knowledge, the Appellant testified that he did not believe [redacted] was using drugs after her release. He stated that she denied using drugs when he asked her. The Appellant testified that he was present during the entire December 1, 2009 meeting with [redacted] and Detective Maybury, and remembered Maybury reviewing her arrest and criminal record.

The Appellant's testimony regarding his knowledge (or lack thereof) of [redacted] criminal background is not credible. First, there is evidence that the Appellant accessed Ms [redacted] criminal justice information as early as June 5, 2009. The Appellant also testified that he questioned Ms [redacted] about the neighborhood and asked her how long she had lived in the area during their initial contact. Ms [redacted] stated in her ICIB interview that early on in their relationship the Appellant followed her to a known drug house and later confronted her about it. Ms [redacted] admitted to the Appellant that she had gone to the house to obtain drugs and that she was a drug user. Ms [redacted] testified that, despite her acknowledged drug use, the Appellant continued to see her.

The Department's policy on Prohibited Association states in relevant part; *"Members shall not knowingly maintain a personal association with persons who are under criminal investigation or indictment and/or who have an open and notorious reputation in the community for criminal activity, where such association would be detrimental to image of the Department, unless*

express written permission is received from the member's Unit Commander." The Appellant knew of [redacted] criminal history at the outset of their relationship. If [redacted] testimony is to be credited, he at least had a suspicion that she was using drugs, which was confirmed when he followed her to a known drug house fairly early in their relationship. The Appellant testified that he knew [redacted] was arrested in September 2009 and charged with receiving stolen property and being under the influence of drugs. Despite his knowledge of her past history and [redacted] behavior during the first three months of their relationship, the Appellant continued to see her, and continued their intimate relationship. The Appellant demonstrated an alarming lack of judgment and common sense in pursuing this relationship.

Unlike the relationship with [redacted] which at least appears to have started as an attempt to turn her into an informant, the relationship between the Appellant and [redacted] was personal from the beginning. There is no question that the relationship violated the Department's policy on Prohibited Association. This was compounded by the fact that [redacted] was eventually signed as a confidential informant while the relationship was still ongoing. The Appellant's failure to notify Detective Maybury of the nature of his relationship prior to or at the December 1, 2009 meeting also displayed a lack of good judgment and common sense.

It is also undisputed that the Appellant never notified his unit commander of the relationship with [redacted] nor did he receive written authorization to maintain the relationship. Since there is no dispute to these facts, the Department has established that the Appellant violated both the

Fraternization Policy and the Prohibited Association Policy (Dept. Ex. 50) in regard to those elements.

Appellant's Failure to Book the Black Pouch as Evidence

There is little dispute regarding the facts surrounding the black pouch. There is no dispute that the pouch was recovered by the Appellant during a drug arrest. There is no dispute that the black pouch was described in the arrest report, but was not booked into evidence along with the drugs that were found on the Suspect [redacted] There is no dispute that the Appellant kept the black pouch and that it eventually ended up in the hands of [redacted] The only dispute is whether Sergeant Sonja Bracken told the Appellant that he did not have to book the black pouch. Sergeant Bracken testified that she never gave the Appellant permission to keep the black pouch or give it to the narcotics team. She also testified that standard procedure would be to book the pouch into evidence, and that she did not notice the black pouch had not been signed into evidence when she signed off on the report.

The Appellant testified that he told Bracken he wanted to show the black pouch to the narcotics team, possibly to use as a training tool, and that Sergeant Bracken signed off on the report that did not list the black pouch as evidence. Sergeant Bracken's testimony was straight forward and credible. Even assuming that Sergeant Bracken gave the Appellant permission to show the pouch to the narcotics team, the fact remains that the Appellant did not show the narcotics team the pouch or even tell them about it. Instead, he kept it in his private vehicle for several days before it disappeared,

presumably taken by [redacted] The Department has proved this charge by a preponderance of the evidence.

FINDINGS OF FACT

1. The Appellant has been employed by the Los Angeles County Sheriff's Department since April 2000.

2. The Appellant had [redacted] prior to the discharge imposed in this case.

3. The Appellant was aware of Department policy concerning fraternization and improper association.

4. The Appellant charged twenty-five (25) dollars on his credit card so that [redacted] could call him while incarcerated in County Jail. This action constituted a "favor" within the meaning of the Department's Fraternization Policy.

5. The Appellant's arrest of [redacted] on December 13, 2009 did not represent a "favor" to [redacted] within the meaning of the Department's Fraternization Policy.

6. The Appellants contact with [redacted] within thirty (30) days of her release from County custody was a violation of the Department's Fraternization Policy.

7. The Appellants failure to notify his superiors of said contact, and his failure to obtain written authorization from his Unit Commander for said contact was likewise a violation of the Department's Fraternization Policy.

8. The Appellant's subsequent contact with [redacted] in February and March 2010, and his failure to notify or receive written authorization from his Unit Commander of said contact, was a violation of the Department's Prohibited Association Policy.

9. The Appellant charged twenty-five (25) dollars on his credit card so tha[redacted]could call him while incarcerated in County Jail in September 2009. This action constituted a "favor" within the meaning of the Department's Fraternization Policy.

10. The Appellant took care of [redacted] while she was incarcerated in County Jail in September 2009. This action constituted a "favor" within the meaning of the Department's Fraternization Policy.

11. The evidence did not establish that the Appellant had contact with [redacted] within the thirty (30) days following Ms[redacted]release from County Jail. However, continuing the intimate relationship with M[redacted] after her release from custody, even if was after the thirty (30) day period, constituted a violation of the Department's Policy on Prohibited Association.

12. The Appellant Failed to notify his unit Commander of the intimate relationship with [redacted] this was a violation of the Department's Policy on Prohibited Association.

13. The Appellant Failed to obtain written authorization from his Unit Commander to maintain said intimate relationship with [redacted] This was also a violation of the Department's Policy on Prohibited Association.

14. The Appellant failed to properly book the black pouch he found during the arrest of [redacted] This was a violation of Department's Policy and Procedure Section 3-01/040.45 in that he failed to safeguard evidence.

CONCLUSIONS OF LAW

1. The Appellant's relationship and association with [redacted] from November 2009 through March 2010 embodied multiple violations of the Department's Policy on Fraternization and the Department's Policy on Prohibited Association.

2. The Appellant's relationship and association with [redacted] from July 2009 through March 2010 embodied multiple violations of the Department's Policy on Fraternization and the Department's Policy on Prohibited Association.

3. The Appellants failure to safeguard evidence (the black pouch) obtained during an arrest was a violation of the Department's Manual on Policy and Procedure.

4. The Department's Guidelines for Discipline provide only one penalty for Fraternization or Prohibited Association, and that is discharge.

RECOMMENDATION

It is recommended that the Department's decision to discharge the Appellant be upheld by the Civil Service Commission.

Respectfully submitted,

David P. Beauvais
Hearing Officer
DATE: September 28, 2012



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

September 1, 2011

Deputy Robert Lopez, [redacted]

Dear Deputy Lopez:

On July 19, 2011, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2263316. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, I have determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on September 1, 2011.

An investigation under File Number IAB 2263316, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.85, Fraternization; and/or 3-01/050.90, Prohibited Association; and/or 3-01/030.05, General Behavior; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders, on or about February 2009 to March of 2010, while assigned to Industry Station you were involved in a relationship and/or sexual relationship with Ms. [redacted] while Ms. [redacted] was incarcerated at Century Regional Custody facility (CRDF), evidenced by but not limited to:

    a) using your personal credit card to charge $25.00 in phone credits for Ms. [redacted] to contact you while she was incarcerated, and/or;

b) providing day care for Ms. [redacted] per her request while she was incarcerated, and/or;

c) continuing your relationship with Ms. [redacted] after she was released from CRDF, and/or;

d) failing to notify your unit Commander of the relationship, and/or;

e) failing to obtain written authorization from your unit commander.

2. That in violation of Manual of Policy and Procedures Sections 3-01/050.85, Fraternization; and/or 3-01/050.90, Prohibited Association; and/or 3-01/030.05, General Behavior; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders, on or about February 2009 to March of 2010, while assigned to Industry Station, you were involved in a relationship and/or prohibited relationship with Ms. [redacted] while she was incarcerated at CRDF, evidenced by but not limited to:

a) using your personal credit card to charge $25.00 in phone credits for Ms. [redacted] to contact you while she was incarcerated, and/or;

b) doing favors for Ms. [redacted] while she was incarcerated by arresting her [redacted] and/or;

c) continuing your relationship with Ms. [redacted] after she was released from CRDF, and/or;

d) failing to notify your unit Commander of the relationship, and/or;

e) failing to obtain written authorization from your unit commander.

3. That in violation of Manual of Policy and Procedure Section 3-01/040.65, Tampering with Evidence; and/or 3-01/040.45, Safeguarding Money, Property, and Evidence; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders, on or about February 2009 to March of 2010, when you failed to safeguard, and/or lost, and/or

gave to another person a black pouch which you recovered as evidence from a crime scene resulting in the arrest of a suspect, evidenced by but not limited to:

a) failing to book the pouch as evidence when said pouch was referred to in your crime report, and/or;

b) failing to book the pouch into suspects property.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Thomas M Laing

THOMAS A. LAING, CHIEF
FIELD OPERATIONS REGION III

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

TAL:JMG:md

c: Advocacy Unit
Michael R. Claus, Captain, Industry Station
Internal Affairs Bureau
Office of Independent Review (OIR)
Kevin E. Hebert, Captain, Personnel Administration